

IN THE UNITED STATES DISTRICT COURT  
FOR THE STATE OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

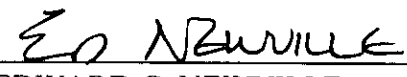
RIO CHAMA STREAM SYSTEM

Chama Mainstream Section

NOTICE OF FILING OF STIPULATION  
BY PLAINTIFF STATE OF NEW MEXICO AND  
DEFENDANT ACEQUIA DEL RIO DE CHAMA

COMES NOW Plaintiff State of New Mexico *ex rel.* State Engineer and gives notice of the filing of the Stipulation by Plaintiff State of New Mexico and Defendant Acequia del Rio de Chama in connection with the Court's Order (6714) filed May 29, 2002. The Stipulation is attached hereto as Exhibit A.

Respectfully submitted,

  
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**CERTIFICATE OF SERVICE**

I certify that copies of the Notice of Filing the Stipulation by Plaintiff State of New Mexico and Defendant Acequia del Rio de Chama were mailed to the following persons on June 28, 2002.

  
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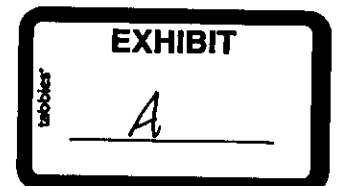
**RIO CHAMA STREAM SYSTEM**

**Chama Mainstream Section**

**STIPULATION BY PLAINTIFF STATE OF NEW MEXICO  
AND DEFENDANT ACEQUIA DEL RIO DE CHAMA**

Pursuant to the Court's Order (6714) filed May 29, 2002, and the requirement in that Order for a water diversion plan to offset the depletion effect of certain over divisions of water from the Rio Chama, the State of New Mexico, *ex rel.* the State Engineer, Thomas C. Turney, and the Acequia del Rio de Chama enter into this Stipulation as follows:

1. The effective over diversion from the Rio Chama by the Acequia del Rio de Chama between April 4, 2002 and Noon May 21, 2002 was 277 acre feet of water.
2. The Acequia del Rio de Chama shall offset the depletion effect on the Rio Chama from its over diversion of water between April 4, 2002 and May 21, 2002, by closing its river diversion headgate for 24 hours periods until the over diversion amount of 277 acre feet is repaid. Each 24 hour period of time that the diversion headgate is closed shall represent a repayment of 21.818 acre feet.
3. The 24 hour repayment periods shall begin on Sunday July 6, 2002 at 6 P.M. and shall continue each Sunday for 12 consecutive weeks. A final repayment period of 16 and 3/4 hours shall



begin on Sunday September 28, 2002 at 6 P.M. and end the following morning at 10:45A.M.

4. In no event is the river diversion headgate of the acequia to be opened prior to the end of each 24 hour repayment period, that is, between the hours of 6 P.M. Sunday and 6 P.M. the following Monday. If the Rio Chama watermaster finds that the diversion has been opened prior to 6 P.M. on Monday, or that the acequia failed to timely close the diversion by 6 P.M. on Sunday, the watermaster shall immediately close the diversion himself and promptly report the matter to the Court. If closed by the watermaster, the acequia's diversion headgate at the Rio Chama shall remain closed until the Court orders otherwise.

5. The Rio Chama watermaster may allow the ditch to close its diversion headgate for additional 24 hour repayment periods in order to accomplish the repayment of 277 acre feet of water prior to September 28, 2002, but the decision of whether or not to allow any such additional credits shall be completely at the discretion of the watermaster. Any additional repayment periods shall also begin at 6 P.M. and end at 6 P.M. the following day. The acequia shall make its request to the watermaster for any such additional credits at least 5 hours ahead of time (1 P.M.).

6. Paragraphs 1 through 5 above fulfill the requirements of a water diversion plan acceptable to the New Mexico State Engineer under the Court's Order ( 6714) filed May 29, 2002.

7. The Parties agree that the June 28, 2002, deadline in the Court's Order (6714) for the replacement of the acequia's official measurement station should be extended until January 1, 2003 to allow the acequia additional time to seek financial assistance. However, the acequia's responsibility to meet an extended deadline of January 1, 2003 shall not be contingent upon obtaining any type of financial assistance from any source whatsoever. The Acequia del Rio de Chama will replace the official measurement station by January 1, 2003 even if the acequia is

required to make an assessment of its members to timely complete the project.

8. Prior to the replacement of the official measurement station, the Acequia del Rio de Chama shall make periodic reports to the Court on its progress and the arrangements the acequia has made for the replacement of the station. Progress reports shall be filed with the Court every 30 days at the beginning of each month. Beginning with the month of November, progress reports shall be filed weekly until the project is completed.

9. With the exception of the extension of the deadline for the replacement of the official measurement station, all other provisions of the Court's Order (6714) filed May 29, 2002 shall remain in effect.

**IN WITNESS WHEREOF**, the parties have executed this Stipulation and Defendant Acequia del Rio de Chama, a community ditch, has passed a resolution of its board of commissioners approving this stipulation and authorizing and its attorney to sign this stipulation binding the acequia to its terms and provisions this 28 day of June, 2002.

**STATE OF NEW MEXICO, *ex rel.* STATE ENGINEER**

By: Ed Newville  
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**ACEQUIA DEL RIO DE CHAMA**

By: telephonic approval 6/28/02  
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